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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,178	03/24/2000	Hiroshi Utsunomiya	61049	1969

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Cooper & Dunham LLP  
1185 Avenue of Americas  
New York, NY 10036

EXAMINER

HOYE, MICHAEL W.

ART UNIT PAPER NUMBER

2614

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/534,178	<b>Applicant(s)</b> UTSUNOMIYA ET AL.	
	<b>Examiner</b> Michael W. Hoyer	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicants' arguments filed on November 21, 2005 have been fully considered but they are not persuasive.

Regarding amended independent claims 1, 7 and 12, the Applicants argue that, "the present invention is not intended to provide an EPG type system in which information of the EPG is displayed on the screen for selection by the user. The present invention provides information to the user of the system about the signal being displayed, not the signal that will be displayed later after the selection has been made . . . the present invention provides the information to the user while the signal is being displayed but not before the signal is to be displayed, as in Goldschmidt Iki et al."

In response to Applicants' argument that, "the present invention is not intended to provide an EPG type system in which information of the EPG is displayed on the screen for selection by the user", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In addition, the currently amended language of independent claim 1 which states, "...wherein the image signal is superimposed on the display video signal, so that the predetermined characters or logo are superimposed on a displayed image so as to be read by a user at the time the display video signal is displayed", is still met by the Goldschmidt Iki et al reference, where alternate versions may be provided to the

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user, since col. 7, lines 2-5 states that, "This provision can be in any of a wide variety of manners, such as ... overlaying the current video display with the options," which meets the claimed, "the predetermined characters are superimposed on a displayed image so as to be read by a user at the time the display video signal is displayed", as described in detail in the rejection below.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2 and 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldschmidt Iki et al (USPN 6,594,825), in view of Chernock et al (USPN 6,314,569).

With respect to claims 1, 7, and 12, note the Goldschmidt Iki et al reference which discloses the claimed audio and/or video signal transmitting system with a plurality of audio and/or video signal transmitting apparatuses with a plurality of analog outputs and a plurality of digital input/output means is met as seen in Fig. 1. Although not explicitly shown, it is inherent that transmitters are provided to supply the satellite input 126 and other inputs 124, 128, 134. The transmitting apparatuses provide signals indicating signal format and outputting it to the receiver as seen in Fig. 4 via a received EPG indicating a transport medium / format at 404 and alternatively an audio format at 406. The system 100 contains various devices such as television display device 102, CD player 112, etc for receiving analog and digital data (col. 4:36-54)

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forming a display signal for television 102. Video characteristics are stored including indicators of signal format from various inputs (Fig. 4, items 404, 406, see col. 7, line 40 – col. 8, line 7). Controller 200 (which includes controller 208) is operative as means to provide an overlay of these characteristics to facilitate user selection (col. 7:2-11). The Goldschmidt Iki et al. reference also clearly discloses that the type of the audio and/or video signal transmitting apparatus and the format type of the output video signal are indicated by predetermined characters as met by the EPG and program selection controller 208, which may display options in a separate box or window on the display device, overlaying (or superimposing) the current video display with the options, etc. In addition, in one implementation, all the characteristics for each version or source may be displayed, such as the predetermined characters including “ANALOG BROADCAST”, “DIGITAL CABLE”, “DVD”, “STEREO”, “DOLBY PRO LOGIC” and “THX; DOLBY AC3”, as shown in the EPG table of Fig. 4, which describe the type of audio and/or video source or signal transmitting apparatus (i.e. “DVD”) and the format type of the output video signal (i.e. “ANALOG” or “DIGITAL”) (see col. 6, line 66 – col. 7, line 11 and col. 7, line 29 – col. 8, line 3). The claimed, “...wherein the image signal is superimposed on the display video signal, so that the predetermined characters or logo are superimposed on a displayed image so as to be read by a user at the time the display video signal is displayed”, is met by the Goldschmidt Iki et al reference, as described above, where alternate versions may be provided to the user, since col. 7, lines 2-5 states that, “This provision can be in any of a wide variety of manners, such as ... overlaying the current video display with the options,” which meets the claimed, “the predetermined characters are superimposed on a displayed image so as to be read by a user at the time the display video signal is displayed.”

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Although the Goldschmidt Iki et al reference does not explicitly disclose multiplexing the digital information signal onto a digital source signal, and separating out (or demultiplexing) the digital information signal from the digital audio and/or video signal and then processing that digital information signal to provide an superimposed image signal (or overlay) on the corresponding digital video signal that is being displayed, it is well known in the art of interactive video distribution systems that digital information signal(s) and digital source signal(s) are multiplexed onto a digital source signal for transmission to a receiver where the signals are demultiplexed and processed accordingly, as disclosed and taught by the Chernock et al reference in col. 4, lines 41-55. Therefore, it would have been obvious to one of ordinary skill in the art at the time on the invention to have combined the teachings of the Goldschmidt Iki et al reference with the Chernock et al reference for the advantage of combining or multiplexing a digital information signal onto a digital source signal in order to reduce bandwidth of the transmitted signal. One of ordinary skill in the art would have been led to make such a modification since digital multiplexing is well known in the art, especially through the use of the MPEG-2 standard for compression and multiplexing.

With respect to claims 2, 8, and 13, the claimed use of a predetermined code in a comparison table is seen with the EPG shown in Fig. 4 as a table and including “codes” as indicators of a signal format such as “analog broadcast,” “digital cable,” “stereo,” “Dolby pro logic,” etc.

With respect to claims 4, 9-10, and 14-16, Goldschmidt Iki does not teach use of a predetermined bit map logo to indicate the format. However, the Chernock et al reference as previously combined with the Goldschmidt Iki et al reference above, further discloses that

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bitmaps may be used for may text and graphics objects, such as logos, that may be used for on-screen displays (OSD) or used as a graphics overlay with video content (see col. 5, lines 44-55).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to have further modified Goldschmidt Iki et al by using bit map logos in order to provider users with a readily understood, aesthetically pleasing display that provides for easy program selection as taught by the Chernock et al reference.

With respect to claim 5, the claimed superimposing at the receiving side is met as noted above in response to claim 1. Furthermore, the claimed window synthesizing using a plurality of windows is met by overlaying characteristics and use of separate windows on a display (col. 7:2-11).

With respect to claims 6, 11, and 17, the claimed use of IEEE 1394 formats is met by use of an IEEE 1394 bus and standards as taught in col. 3:38-43.

With respect to claim 16, the claimed window synthesizing using a plurality of windows is met by overlaying characteristics and use of separate windows on a display (col. 7:2-11). Goldschmidt Iki does not teach superimposing for each signal the format at the transmitting side. The Examiner takes Official Notice that it was well known in the art at the time of the invention to indicate superimpose data at a transmitting end. It would have been obvious for one skilled in the art at the time of the invention to superimpose the format of a signal at the transmitting end in order to simplify receiver side equipment and reduce direct costs to consumers.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

**Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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**Or faxed to: 571-273-8300**

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

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Michael W. Hoye  
February 16, 2006

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
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